

REMARKS**Information Disclosure Statements**

Applicants thank the Examiner for acknowledging in the pending Office Action the Information Disclosure Statement (IDS) filed on October 22, 2007. Applicants note that in the pending Office Action the Examiner also acknowledged a second IDS filed on July 30, 2007, but this IDS is not for the pending application (U.S. Serial No. 10/757,981), it is for U.S. Serial No. 10/846,978.

Rejection of Claims 16 and 71-75 Under the Judicially Created Doctrine of Obviousness-type Double Patenting

The Examiner has rejected Claims 16 and 71-75 under the judicially created doctrine of obviousness-type double patenting over Claims 1-3 of U.S. Patent No.: 7,094,786.

To expedite prosecution, enclosed is a terminal disclaimer signed by an individual empowered to act on behalf of the owner. A Statement under § 3.73(b) is also enclosed.

Provisional Rejection of Claims 16 and 71-75 Under the Judicially Created Doctrine of Obviousness-type Double Patenting

The Examiner has provisionally rejected Claims 16 and 71-75 under the judicially created doctrine of obviousness-type double patenting over Claims 71-158 of USSN 10/846,978.

The Manual of Patent Examining Procedure §804 (I)(1) (August 2007 revision), the procedures states that "If a "provisional" nonstatutory obviousness-type double patenting (ODP) rejection is the only rejection remaining in the earlier filed of the two pending applications, while the later-filed application is rejectable on other grounds, the examiner should withdraw that rejection and permit the earlier-filed application to issue as a patent without a terminal disclaimer."

Applicants note that the provisional nonstatutory double patenting rejection is the only rejection remaining in this application (U.S. Serial No.: 10/757,981). In addition, this application (U.S. Serial No.: 10/757,981) was filed on January 13, 2004, which is before the filing date of U.S. Serial No. 10/846,978, filed on May 14, 2004. Thus, Applicants request that the Examiner follow the Manual of Patent Examining Procedure and withdraw the provisional

nonstatutory obviousness-type double patenting rejection from this application (U.S. Serial No.: 10/757,981) and permit this application to issue as a patent without a terminal disclaimer over U.S. Serial No. 10/846,978.

Rejection of Claims 16 and 71-75 Under 35 U.S.C. §102(b)

The Examiner has rejected Claims 16 and 71-75 under 35 U.S.C. §102(b) as being anticipated by Florczyk.

In an April 9, 2008 voice mail message from Examiner Spivack to Applicants' Attorney Christine Wise, the Examiner stated that this rejection was withdrawn.

CONCLUSION

In view of the above amendments and remarks, it is believed that all claims are in condition for allowance, and it is respectfully requested that the application be passed to issue. If the Examiner feels that a telephone conference would expedite prosecution of this case, the Examiner is invited to call the undersigned.

Respectfully submitted,

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